

IN THE JUSTICE OF THE PEACE COURT NO. 16
OF THE STATE OF DELAWARE IN AND
FOR KENT COUNTY

DOVER HOUSING AUTHORITY,	:	C.A. No. JP16-16-004520
	:	
	:	
Plaintiff Below,	:	
Appellant,	:	
	:	
v.	:	
	:	
STANLEY STANFORD,	:	
	:	
	:	
Defendant Below,	:	
Appellee.	:	

TRIAL DE NOVO

Submitted: November 4, 2016
Decided: November 4, 2016

Dover Housing Authority, Plaintiff/Appellant, represented by Michael C.
Rushe, Esquire.

Stanley Stanford, Defendant/Appellee, *pro se*.

ORDER

Murray, J
Dillard, J
Sherlock, J

On November 4, 2016, this Court, comprised of the Honorable James A. Murray, the Honorable Dwight D. Dillard and the Honorable Michael P. Sherlock, acting as a special court pursuant to 25 *Del. C.* § 5717(a)¹ convened a trial *de novo*² in reference to a Landlord/Tenant Summary Possession petition filed by Dover Housing Authority (hereinafter referred to as Plaintiff), against Stanley Stanford (hereinafter referred to as Defendant). For the following reasons the Court enters **JUDGMENT BY ADMISSION**.

Factual and Procedural Background

Plaintiff filed a petition with Justice of the Peace Court No. 16 seeking court costs, accrued rent and post-judgment interest at the current legal rate. This action is based on Defendant's failure to pay rent, late charges and /or miscellaneous charges. Trial was held on August 30, 2016, and judgment was entered in favor of the Defendant.³ Plaintiff filed a timely appeal of the Court's Order pursuant to 25 *Del. C.* § 5717(a). Consequently, trial *de novo* was scheduled.

¹ 25 *Del. C.* § 5717(a). *Nonjury trials*. With regard to nonjury trials, a party aggrieved by the judgment rendered in such proceeding may request in writing, within 5 days after judgment, a trial *de novo* before a special court comprised of 3 justices of the peace other than the justice of the peace who presided at the trial, as appointed by the chief magistrate or a designee, which shall render final judgment, by majority vote....

² *De novo* trial. Trying a matter anew; the same as if it had not been heard before and as if no decision had been previously rendered. Black's Law Dictionary 435 (6th ed. 1990).

³ *Dover Housing Authority v. Stanford*, Del. J.P., C.A. No. JP16-16-004520, Sweet, J. (Aug. 30, 2016).

Pre-trial Motion

Plaintiff and Defendant motioned the Court for entry of a Judgment by Admission as the Parties reached an agreement prior to commencement of trial. Plaintiff submitted the Judgment by Admission to the Court and same was reviewed in open court with all Parties. Defendant agrees to relinquish possession of 1022 Hayes Circle, Dover, DE, 19904, on or before *November 30, 2016*. Plaintiff is not seeking any monetary amount of judgment against Defendant.


Conclusion

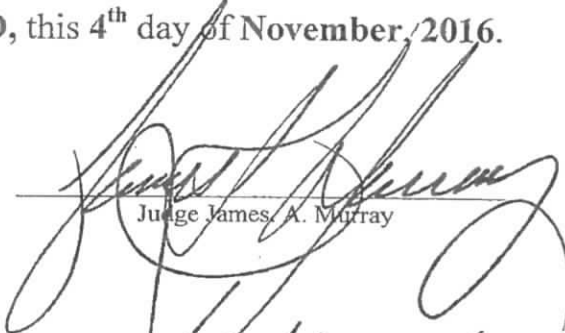
Based on the foregoing, the Court by unanimous vote **GRANTS** the Parties' Motion for entry of **JUDGMENT by ADMISSION**.⁴

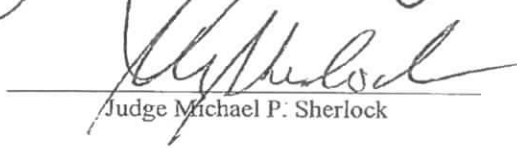
The Court hereby enters **JUDGMENT** as follows:

Possession of rental unit@ *1022 Hayes Circle, Dover, DE, 19904* effective on or before *November 30, 2016*.

IT IS SO ORDERED, this 4th day of November, 2016.


Judge Dwight D. Dillard


Judge James A. Murray


Judge Michael P. Sherlock

Attachment: Judgment by Admission

⁴ The executed Judgment by Admission is hereby incorporated as part of this order.